

ANDREAS JUNGHANS ET AL.
USSN 09/717,954

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 1-24 are pending. Amendments have been made to claims 1-11. New claims 12-24 have been added. New claims 12-14 are supported by original claim 11 as filed. New claims 15-22 are supported by original claim 2. New claims 23 and 24 are supported by original claims 5 and 10, respectively. Further, new claims 15-24 are added in response to the rejections under 35 U.S.C. 112, second paragraph. A clean copy of these claims is presented above. A mark-up showing the changes that have been made to these claims using brackets and underlining is attached. It is believed that no new matter has been added.

Claims 1-11 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite. According to the Examiner, claim 1 was indefinite and confusing. In response, Applicants point out that claim 1 has now been amended for clarification where the adhesive sheets are now being claimed in *combination* with a pack. Support for the amendment in the specification at Example VII. The term "abhesive" in Claim 5 is a typographical error and is amended to "adhesive". The Examiner further found the term "sheet like" indefinite. In response, Applicants point out that "like" modifies "sheet" and the term "sheet like" is descriptive of the "liner materials". The specification discusses the sheet-like liner materials in detail at pages 10-13. The Examiner also

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found claim 11 as indefinite for reciting a "use" claim. Applicants have now amended claim 11 as a method claim.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

The Examiner rejected claim 11 under 35 U.S.C. 101 for claiming a use without setting forth the steps involved in the process. In response, Applicants submit that claim 11 has been amended and recast as a method claim in accordance with patent practice format.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Claims 1, 3, and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Luhmann et al. (US Patent No. 5,491, 012). According to the Examiner, Luhmann teaches a pack for adhesive sheets. In response, Applicants would remind the Examiner that anticipation requires that each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference, and, further, that the absence in the prior art

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reference of even a single claim element precludes a finding of anticipation. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Thus, Applicants submit that the claims have now been amended for clarification, wherein the *combination* of the pack and the adhesive sheets is now claimed. Luhmann does not teach a package meeting the terms of the claims, and therefore does not anticipate the present invention. Specifically, Luhmann only teaches a UV impermeable covering on the very ends of the adhesive film strip. Luhmann does not teach a UV impermeable covering over all pressure-sensitive adhesive regions (instant claim 1(i)); or entirely enclosing an individual adhesive film strip (instant claim 1(ii)); or enclosing a plurality of adhesive film strips (instant claim 1(iii)).

The Examiner rejected claims 1-4 and 7-8 under 35 U.S.C. 102(b) as being anticipated by Riley (GB 617,431). According to the Examiner, Riley teaches a pack material that is UV-impermeable to the selective transmission of light in the wavelength region between 200-8000 Å. In response, Applicant have amended the claims to now claim the *combination* of the adhesive sheets and the pack. Applicants submit that the reference does not teach the combination, and thus the claims are not anticipated by the reference. Specifically, Riley does not teach stretch-release adhesive film strips as required by the instant claims.

Although no obviousness rejection has been lodged, Applicants submit that the present invention would have been obvious in view of the combination of Luhmann and Riley. Although

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Riley discloses UV-impermeable packaging, Luhmann obviously was aware of UV-impermeable materials since he saw a need to use such materials on the end portions of the adhesive film strips. However, his failure to specify such materials for packaging would be taken by persons skilled in the art as an indication that UV-impermeable packaging of such materials was unnecessary. Accordingly, persons skilled in the art, given Luhmann and Riley, would have seen no need to package such adhesive strips in UV-impermeable packagings. The present invention is, thus, based on the surprising and unexpected finding that such packagings are beneficial to performance.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw these rejections. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

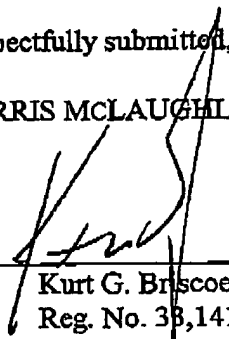
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Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By


Kurt G. Briscoe
Reg. No. 38,141

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 and the attached Mark-Up Showing the Changes Made in the Previous Claim to Yield the Claim as Amended Above (17 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: June 26, 2002

By


Kurt G. Briscoe

**MARK-UP SHOWING THE CHANGES MADE IN THE PREVIOUS CLAIM TO YIELD
THE CLAIM AS AMENDED ABOVE**

1. (Amended Once) A [pack for adhesive sheets which] combination

comprising:

- a) [are detachable without residue or destruction by extensive stretching in the
direction of their bond plane] at least one adhesive sheet; and
- b) [have on one or both sides a pressure-sensitive adhesive composition based on an
elastomer resin mixture,] a pack enclosing said at least one adhesive sheet;

wherein said at least one adhesive sheet comprises a pressure sensitive adhesive
composition based on an elastomer resin on one or both sides; and

wherein said at least one adhesive sheet can be released from a substrate to which it
has been adhered by stretching said at least one adhesive sheet in the direction of
the bond formed between said at least one adhesive sheet and said substrate; and

wherein said pack is UV-impermeable, and comprises at least one of:

- [c) the pack is UV-impermeable and] i) sheet-like liner materials covering all
exposed regions of said pressure sensitive adhesive composition;
- [d) comprises sheetlike liner materials for the regions of the pressure-sensitive

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adhesive composition that are to be bonded, and/or an outer packaging for the adhesive sheet, and/or an individual pack with transparent packaging elements]

ii) an individual package enclosing said adhesive sheet, said individual package comprising transparent packing elements; and

iii) an outer package enclosing a plurality of said adhesive sheets.

2. (Amended Once) The [pack as claimed in] combination of claim 1, which is UV-impermeable such that its transmission for electromagnetic radiation in the wavelength range 240–280 nm is below 2%[, in particular below 1%; in the wavelength range 280–320 nm is below 2%, in particular below 1%; in the wavelength range 320–360 nm is below 5%, in particular below 2% and in the wavelength range 360–420 nm is below 80%, in particular below 20%, especially below 2%].

3. (Amended Once) The [pack as claimed in] combination of claim 1, wherein the sheetlike liner materials and/or the outer [packaging] package and/or the individual [pack] package are partly or fully transparent.

4. (Amended Once) The [pack as claimed in] combination of claim 3, wherein the transparent sheetlike liner materials and/or the outer [packaging] package and/or the individual [pack] package are partly or fully colored.

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5. (Amended Once) The [pack as claimed in] combination of claim 1, wherein the sheetlike liner materials have been formulated to be [adhesive] adhesive in [the] a contact region with the pressure-sensitive adhesive composition [and comprise, in particular, a release paper or a release film].
6. (Amended Once) The [pack as claimed in] combination of claim 5, wherein the sheetlike liner materials in the contact region with the pressure-sensitive adhesive composition comprise a silicone release agent.
7. (Amended Once) The [pack as claimed in] combination of claim 1, wherein the outer [packaging] package comprises a sealing film, a sealing paper, or a metal foil.
8. (Amended Once) The [pack as claimed in] combination of claim 1, which comprises an individual package wherein the individual pack [consists of or] comprises a transparent packaging film.
9. (Amended Once) The [pack as claimed in] combination of claim 1, wherein said at least one [the] adhesive [sheets have] sheet has pressure-sensitive adhesive composition on both sides.

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10. (Amended Once) The [pack as claimed in] combination of claim 1, wherein the pressure-sensitive adhesive composition comprises natural rubber or synthetic rubber[as elastomer, especially styrene block copolymers].

11. (Amended Once) [The use of a pack as claimed in any of claims 1-10 to store, transport, and sell adhesive sheets] A method of packaging at least one adhesive sheet comprising

- a) providing at least one adhesive sheet and a pack and
- b) enclosing said at least one adhesive sheet in said pack,

wherein said at least one adhesive sheet comprises a pressure sensitive adhesive composition based on an elastomer resin on one or both sides; and

wherein said at least one adhesive sheet can be released from a substrate to which it has been adhered by stretching said at least one adhesive sheet in the direction of the bond formed between said at least one adhesive sheet and said substrate; and

whercin said pack is UV-impermeable, and comprises at least one of:

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- f) sheet-like liner materials covering all exposed regions of said pressure sensitive adhesive composition;
- ii) an individual package enclosing said adhesive sheet, said individual package comprising transparent packaging elements; and
- iii) an outer package enclosing a plurality of said adhesive sheets.